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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,090	02/11/2004	Noriyoshi Kurotsu	03500.017893.	1592

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

RODRIGUEZ, LENNIN R

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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04/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,090

Applicant(s)

KUROTSU ET AL.

Examiner

LENNIN R. RODRIGUEZ

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 7 and 13 have been considered but are moot in view of the new ground(s) of rejection. Applicant's newly submitted amendment to the claims require further search since it raises new issues that require further search.
2. Rejection made under 35 U.S.C. 101 has been withdrawn in view of the submitted amendment.
3. Double patenting advisory has been withdrawn in view of the submitted amendment.

Claim Objections

4. Claims 12 and 18 are objected to because of the following informalities:
 - (1) regarding claim 12, the dependency should be – The storage medium according to claim 11 --;
 - (2) regarding claim 18, the dependency should be – The storage medium according to claim 17 --.Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanda (US 2002/0131069) in view of Johnson et al. (US 7,468,802).

(1) regarding claims 7 and 13:

Wanda '069 discloses an information processing apparatus (600 and 610 in Fig. 6) for exerting print control (application 601 in Fig. 6), comprising:

a spooling unit (606 in Fig. 6), adapted for again spooling print data created and spooled via a print data creation module (paragraph [0101], lines 1-6 and paragraph [0102] lines 1-9, where data already spooled by spooler 604 is stored in another spooler 606);

an outputting unit (611 in Fig. 6), adapted for outputting the spooled print data to a destination printer (paragraph [0105], lines 4-9, where the spooled data is outputted to the printer); and

a changing unit (paragraph [0208], where a user interface is displayed to the user on the display 207), adapted for changing the destination printer to an alternation destination printer (paragraph [0207]-[0208], where the user will be able to change from a default printer to an alternate printer to send the print job to);

Wanda '069 discloses all the subject matter as described above except specifically teaching a control unit, adapted for concurrently performing the spooling of a portion of the print data which has not yet been spooled such that the spooling is

performed after a portion of the print data already spooled without restarting from the beginning, and performing the outputting of a portion of the print data spooled before the changing in said changing unit to the alternation destination printer.

However, Johnson '802 teaches a control unit, adapted for concurrently performing the spooling of a portion of the print data which has not yet been spooled such that the spooling is performed after a portion of the print data already spooled without restarting from the beginning, and performing the outputting of a portion of the print data spooled before the changing in said changing unit to the alternation destination printer (column 2, lines 21-26, where a print job can be printed at the same it is stored, so it doesn't resend a job to begin the printing operation).

Having a system of Wanda '069 reference and then given the well-established teaching of Johnson '802 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the information processing apparatus of Wanda '069 to include a control unit, adapted for concurrently performing the spooling of a portion of the print data which has not yet been spooled such that the spooling is performed after a portion of the print data already spooled without restarting from the beginning, and performing the outputting of a portion of the print data spooled before the changing in said changing unit to the alternation destination printer as taught by Johnson '802 because it will maximize the efficiency of the spooling operation by preventing unnecessary usage of network or system resources by retransmitting the whole print data, thus increasing the efficiency of the system.

(2) regarding claims 8 and 14:

Wanda '069 further discloses an ID creation unit, adapted for creating a first ID issued correspondingly to the print data created via the print data creation module (paragraph [0111], lines 1-3) and a second ID to the print data spooled by said spooling unit apart from said first ID (paragraph [0129], lines 10-13, where an ID different from the first one its being assigned by the spooler); and

a management unit (605 in Fig. 6), adapted for performing job management corresponding to the second ID created by said ID creation unit (paragraph [0125]).

(3) regarding claims 9, and 15:

Wanda '069 further discloses wherein the first ID is an ID issued via an OS (paragraph [0111], lines 1-3, where the job ID it's being obtained from a data structure which the OS is controlling).

(4) regarding claims 10, and 16:

Wanda '069 further discloses wherein, on alternation or resending of said print data, said control unit continues the spooling of the data already spooled before the alternation or resending (paragraph [0101], lines 1-6 and paragraph [0102]lines 1-9, where data already spooled by spooler 604 is stored in another spooler 606).

(5) regarding claims 11 and 17:

Wanda '069 further discloses a notification unit (606 in Fig. 6), adapted for notifying said second ID to an alternation destination printer specified of a plurality of printers via an alternate setting screen (paragraph [0207]-[0208], where the user will be able to select from plurality of printers an alternate printer to send the print job to);

an identification unit, adapted for identifying the print data to be alternated based on said second ID notified by said notification unit (paragraph [0129], lines 10-13, where the job ID is identified); and

a reading unit (611 in Fig. 6), adapted for reading the print data identified by said identification unit (paragraph [0129], lines 10-13),

Wanda '069 discloses all the subject matter as described above except specifically teaching wherein said control unit concurrently performs the spooling of the print data by said spooling unit and the reading by said reading unit.

However, Johnson '802 teaches wherein said control unit concurrently performs the spooling of the print data by said spooling unit and the reading by said reading unit (column 2, lines 21-26, where a print job can be printed at the same it is stored, so it doesn't resend a job to begin the printing operation).

Having a system of Wanda '069 reference and then given the well-established teaching of Johnson '802 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the information processing apparatus of Wanda '069 to include wherein said control unit concurrently performs the spooling of the print data by said spooling unit and the reading by said reading unit as taught by Johnson '802 because it will maximize the efficiency of the spooling operation by preventing unnecessary usage of network or system resources by retransmitting the whole print data, thus increasing the efficiency of the system.

(6) regarding claims 12 and 18:

Wanda '069 further discloses wherein each of said plurality of printers has port information set up correspondingly (it is inherent that the system would have information about the port being setup, necessary every time a different printer (alternate) its being used).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENNIN R. RODRIGUEZ whose telephone number is (571)270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Lennin R Rodriguez/
Examiner, Art Unit 2625